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10/658,344

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Jeanette Gee

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PATENT ADMINISTRATOR

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EXAMINER

HICKS, CHARLES N

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/658,344	Applicant(s) GEE, JEANETTE	
	Examiner CHARLES N. HICKS	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 3-15, 17-35, 37-43 are rejected under 35 U.S.C. 102(b) as being anticipated by Ford (US Patent No. 6,519,770 B2), hereinafter referred to as Ford.

1. Regarding claim 1, Ford discloses an apparatus for selectively replacing objectionable content in a program received as a first signal with less-objectionable content, comprising: an extraction device receiving at least a portion of the first signal and configured to extract information therefrom (**fig. 6, col. 7, lines 45-68**);
a replacement control device (**fig. 1-6, col. 4, lines 46-68, col. 5, lines 1-9**);
a processor operatively coupled to said replacement control device and communicatively coupled to said extraction device for receiving at least a portion of said extracted information therefrom (**fig. 1-6, col. 8, lines 10-44**);
a memory coupled to said processor and storing a replacement criterion (**fig. 1-6, col. 4, lines 62-68, col. 5, lines 1-9**);
said processor programmed to identify replacement information in said extracted information (**fig. 1-6, col. 8, lines 10-44**);

a second signal including said less-objectionable content communicatively coupled to said replacement control device (**fig. 1-6, col. 3, lines 65-68, col. 4, lines 1-24**);

said processor programmed to cause said replacement control device to replace a portion of the first signal with said second signal in response to identifying replacement information that satisfies said replacement criterion (**fig. 1-6, col. 8, lines 10-44**).

2. Regarding claims 3 and 25, Ford discloses the apparatus wherein said first signal is selected from the group consisting of: a video signal, an audio signal, a broadband signal, an optical signal, an amplitude modulated signal, a frequency modulated signal, a phase-modulated signal a Digital Radio Broadcast signal, a broadcast television signal, a cable television signal, a RF signal, and an internet signal (**fig. 1-6, col. 6, lines 65-68, col. 7, lines 1-23**).

3. Regarding claims 4 and 26, Ford discloses the apparatus wherein said second signal is selected from the group consisting of: a video signal, an audio signal, a broadband signal, an optical signal, an amplitude modulated signal, a frequency modulated signal, a phase-modulated signal a Digital Radio Broadcast signal, a broadcast television signal, a cable television signal, a RF signal, and an internet signal (**fig. 1-6, col. 3, lines 65-68, col. 4, lines 1-24**).

4. Regarding claims 5 and 27, Ford discloses the apparatus wherein said replacement control device is selected from the group consisting of: a photograph replacement device, a holograph replacement device, an audio replacement device, and a video replacement device (**fig. 1-6, col. 4, lines 46-68, col. 5, lines 1-9**).

5. Regarding claims 6 and 28, Ford discloses the apparatus wherein said replacement information is selected from the group consisting of: a photograph replacement information, a holograph replacement information, audio replacement information, and video replacement information (**fig. 1-6, col. 4, lines 46-68, col. 5, lines 1-9**).

6. Regarding claim 7, Ford discloses the apparatus wherein said replacement criterion is selected from the group consisting of: a photograph replacement criterion, a holograph replacement criterion, an audio replacement criterion, and a video replacement criterion (**fig. 1-6, col. 4, lines 46-68, col. 5, lines 1-9**).

7. Regarding claims 8 and 29, Ford discloses the apparatus wherein said replacement information is present in a vertical blanking interval of the first signal (**fig. 1-6, col. 7, lines 45-68**).

8. Regarding claims 9 and 30, Ford discloses the apparatus, wherein said replacement information is present in a line 21 of the first signal (**fig. 1-6, col. 7, liens 45-68**).

9. Regarding claims 10 and 31, Ford discloses the apparatus wherein said replacement information is present in a Text field of the first signal (**fig. 1-6, col. 7, liens 45-68**).

10. Regarding claims 11 and 32, Ford discloses the apparatus wherein said replacement information includes information relating to a duration the first signal is to be replaced in response to said replacement information satisfying said replacement criterion (**fig. 1-6, col. 3, lines 65-68, col. 4, lines 1-14**).

11. Regarding claims 12 and 33, Ford discloses the apparatus wherein said replacement information includes information relating to a word present in the first signal (**fig. 1-6, col. 4, lines 46-68, col. 5, lines 1-9**).

12. Regarding claim 13, Ford discloses the apparatus wherein said information relating to said word is compared with a sensing criterion stored in said memory to determine whether to replace the word in the first signal (**fig. 1-6, col. 4, lines 46-68, col. 5, lines 1-9**).

13. Regarding claims 14 and 34, ford discloses the apparatus wherein said replacement information represents a word that is present in the first signal in an encoded form (**fig. 1-6, col. 4, lines 46-68, col. 5, lines 1-9**).

14. Regarding claims 15 and 35, Ford discloses the apparatus wherein said replacement information includes content selected from the group consisting of: information identifying a portion of the first signal having violent content, information identifying a portion of the first signal having sexual content, and information identifying a portion of the first signal having potentially objectionable language (**fig. 1-6, col. 3, lines 65-68, col. 4, lines 1-14**).

15. Regarding claims 17 and 37, Ford discloses the apparatus wherein said replacement information includes information relating to an area of a display screen to be obscured in order to replace the objectionable content (**fig. 1-6, col. 4, lines 14-33**).

16. Regarding claims 18 and 38, Ford discloses the apparatus wherein said area of the display screen is less than the entire display screen (**fig. 1-6, col. 4, lines 14-33**).

17. Regarding claims 19 and 39, Ford discloses the apparatus wherein said replacement information includes information relating to a location in the first signal at which the replacing should begin (**fig. 1-6, col. 3, lines 65-68, col. 4, lines 1-14**).

18. Regarding claims 20 and 40, Ford discloses the apparatus wherein said replacement information includes information relating to a time in the first signal at which the replacing should begin (**fig. 1-6, col. 3, lines 65-68, col. 4, lines 1-14**).

19. Regarding claims 21 and 41, Ford discloses the apparatus wherein said replacement information includes information relating to a level of intensity of the objectionable content (**fig. 1-6, col. 5, lines 10-43**).

20. Regarding claims 22 and 42, Ford discloses the apparatus wherein: said memory contains a plurality of words stored therein (**fig. 1-6, col. 4, lines 62-68, col. 5, lines 1-9**);

said extraction device is configured to extract a closed caption signal from the first signal (**fig. 6, col. 7, lines 45-68**);

said processor receives said extracted closed caption signal and is programmed to compare words in said extracted closed caption signal with said words stored in said memory (**fig. 1-6, col. 4, lines 62-68, col. 5, lines 1-9**);

and said processor causes said replacement device to replace an audio signal in response to determining that a word stored in said memory is present in said extracted closed caption signal (**fig. 1-6, col. 4, lines 62-68, col. 5, lines 1-9**).

21. Regarding claims 23 and 43, Ford discloses the apparatus wherein said replacement criterion is received from a user (**fig. 1-6, col. 5, lines 27-43**).

22. Regarding claim 24, Ford discloses a method selectively replacing objectionable content in a first signal intended for viewing on a display screen with less-objectionable content, said method comprising the steps of: storing a replacement criterion in a memory (**fig. 1-6, col. 4, lines 62-68, col. 5, lines 1-9**);

receiving said less-objectionable content as a second signal (**fig. 1-6, col. 3, lines 65-68, col. 4, lines 1-24**);

receiving the first signal (**fig. 6, col. 7, lines 45-68**);

extracting replacement information from the first signal (**fig. 1-6, col. 8, lines 10-44**);

determining whether said replacement information satisfies said replacement criterion (**fig. 1-6, col. 8, lines 10-44**);

and replacing a portion of the first signal with the second signal in response to determining that said replacement information satisfies said replacement criterion (**fig. 1-6, col. 8, lines 10-44**).

23. Claims 2 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ford, in view of Tapissier (US 2003/0078972 A1), hereinafter referred to as Tapissier.

24. Regarding claims 2 and 44, Ford fails to disclose the apparatus wherein said less-objectionable content comprises advertising. However Tapissier discloses the

apparatus wherein said less-objectionable content comprises advertising (**fig. 2, pg. 5, paragraphs 53-55**). Motivation to combine the references is due to the fact that they both deal with program or information substitution to adequately suit the preference of the user. Therefore the invention would have been obvious to one of ordinary skill in the art at the time of the invention.

25. Claims 16 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ford, in view of Block (US Patent No. 6,675,384 B1), hereinafter referred to as Block.

26. Regarding claims 16 and 36, Ford fails to disclose the apparatus wherein said replacement information includes information relating to a channel in which the objectionable content is present. However Block discloses the apparatus wherein said replacement information includes information relating to a channel in which the objectionable content is present (**fig. 7, col. 13, lines 58-68, col. 14, lines 1-6**). Motivation to combine the references is due to the fact that they both deal with program or information substitution to adequately suit the preference of the user. Therefore the invention would have been obvious to one of ordinary skill in the art at the time of the invention.

Conclusion

27. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Cezeaux (US 2002/0108111 A1) discloses an interactive

television system. Miller (US 2003/0046690 A1) discloses advertisement swapping using an aggregator for an interactive television system. Ellis (US Patent No. 7,370,343 B1) discloses an electronic program guide with blackout features.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHARLES N. HICKS whose telephone number is (571)270-3010. The examiner can normally be reached on M-F 7:30AM to 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Chris Kelley/
Supervisory Patent Examiner, Art
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CNH